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7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 HOLLY REIN,

11 *Plaintiff,*

12 v.

13 THRIFTY PAYLESS, INC., d/b/a RITE
14 AID PHARMACY, and RITE AID LEASE
15 MANAGEMENT COMPANY, d/b/a RITE
AID,

16 *Defendants,*

17 THRIFTY PAYLESS, INC., d/b/a RITE
18 AID PHARMACY, and RITE AID LEASE
MANAGEMENT COMPANY, d/b/a RITE
AID,

19 *Third-Party Plaintiffs,*

20 v.

21 DURO HILEX POLY, LLC, a Delaware
22 corporation,

23 *Third-Party Defendant)*
24

CASE NO. 2:19-cv-00522-BJR

ORDER DENYING THIRD PARTY
DURO HILEX POLY, LLC'S MOTION
FOR RECONSIDERATION OF ITS
MOTION FOR SUMMARY JUDGMENT

25 Before the Court is Third-Party Defendant Duro's Motion seeking reconsideration of the

1 Court's denial of Duro's Motion for Summary Judgment as to Third-Party Plaintiff Rite Aid's
2 design defects claim against Duro. Dkt. No. 101. In that Order, the Court set forth the background
3 of this case and will not repeat it here. *See* Dkt. No. 97 at 2–3 (“April 14 Order”).

4 In its current Motion, Duro asks for reconsideration of the Court's conclusion that a
5 question of fact persists as to how, or why, the paper bag in this case broke causing injuries to
6 Plaintiff Holly Rein. Duro's Motion relies on arguments already advanced before this Court in its
7 Motion for Summary Judgment. More particularly, Duro argues Rite Aid has failed to put forward
8 sufficient facts to support a design defects claim. *See* Dkt. No. 68 at 7–16 (Duro's Motion for
9 Summary Judgment).

10 Pursuant to the Western District's Local Civil Rules, “[m]otions for reconsideration are
11 disfavored,” and the Court “will ordinarily deny such motions in the absence of a showing of
12 manifest error in the prior ruling or a showing of new facts or legal authority which could not have
13 been brought to its attention earlier with reasonable diligence.” Local Rules W.D. Wash. LCR
14 7(h)(1). Further, this Court's Standing Order provides that Motions for Reconsideration that
15 “reassert prior arguments . . . will be summarily denied.” Dkt. No. 32 at 3.

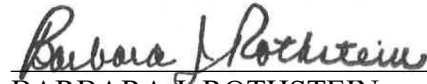
16 Duro's Motion presents no intervening legal or factual authority and, instead, relies on
17 “error of fact.” Dkt. No. 101 at 1. Applying the summary judgment standard that assumes all
18 disputed facts in favor of the non-moving party, the Court found that Rite Aid had produced
19 sufficient evidence as to its design defect theories related to insufficient glue or handle fastenings
20 to present a question of fact for the jury. While Rite Aid's supporting evidence was slim, enough
21 was present to preclude summary judgment.

22 As the Motion merely reasserts facts and arguments before the Court on summary
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1 judgment, the Court hereby DENIES the Motion.

2 SO ORDERED.

3 DATED this 3rd day of May, 2021.

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5 BARBARA J. ROTHSTEIN
6 UNITED STATES DISTRICT JUDGE
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